

**Notice of Allowability**

Application No.

10/723,148

Applicant(s)

BERAUD ET AL.

Examiner

Art Unit

Stephen L. Rawlings, Ph.D.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12 October 2004.
2. ☒ The allowed claim(s) is/are 19-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 20031125
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Stephen L. Rawlings, Ph.D.  
Primary Examiner  
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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. The application has been amended as follows:

In the specification:

The first paragraph at page 1 of the specification has been replaced with the following:

The present application is a divisional of U.S. Patent Application No. 09/883,096, filed June 15, 2001, now issued as U.S. Patent No. 6,680,369 B2, which is a continuation-in-part of U.S. Patent Application No. 09/594,655, filed June 15, 2000, both of which is are incorporated by reference in its their entirety for all purposes.

The paragraph at page 52, lines 16-20, has been replaced with the following:

The final 25  $\mu$ l assay solution consists of the following: 5  $\mu$ g/ml target protein, 30  $\mu$ g/ml microtubules, 5  $\mu$ M Taxol™, 0.8 mM NADH, 1.5 mM phosphoenol pyruvate, 3.5 U/ml pyruvate kinasc, 5 U/ml lactate dehydrogenase, 25 mM Pipes/KOH pH 6.8, 2mM MgCl<sub>2</sub>, 1 mM EGTA, 1 mM MDTT, 0.1 mg/ml BSA, 0.001% antifoam 289, and 1 mM ATP.

The paragraph at page 53, lines 7-18, has been replaced with the following:

2 ~~ug/ml~~ μg/ml Kip3A 353 protein was assayed for its microtubule-stimulated ATP-ase activity in the reaction buffer composed of 40 ~~uM~~ μM MES/KOH pH6.8, 2mM ~~MgCl2~~ MgCl<sub>2</sub>, 1mM DTT, 1mM EGTA, 400~~uM~~ 100μM ATP, 40~~uM~~ 10μM paclitaxel, 0.1mg/mlBSA, 0.5mM NADH, 1.5mM phosphoenolpyruvate, lactate dehydrogenase/pyruvate kinase mix (Sigma, diluted 1:200 v/v final) and varied amounts of microtubules (from 50~~ug/ml~~ 50μg/ml to 24ng/ml). The reaction progress was followed up over time by monitoring absorbance of the reaction mix at 340nm using microtiter plate reader (SpectraMAX340 SpectraMAX™ 340, Molecular Devices Inc.) The rate of the absorbance change was converted to ~~uM~~ μM NADH oxidized per second by referencing it to a set of standard NADH solutions of known concentrations. In this coupled ATPase assay conversion of one NADH to NAD<sup>+</sup> reports appearance of one ADP molecule, and as such reports a single turnover of Kip3A ATPase.

### ***Conclusion***

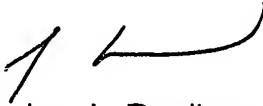
3. Claims 19-27 have been allowed.
4. Claims 19-27 have been renumbered as claims 1-9, respectively.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (571) 272-0836. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, Ph.D. can be reached on (571) 272-0832. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stephen L. Rawlings, Ph.D.  
Examiner  
Art Unit 1643

slr  
September 7, 2006